THE TESTIMONY ALL IN.

INTEREST PELT IN THE FINAL BVIDENCE-LARGE AND ATTENTIVE AUDIENCES-COUNSEL FOR THE DEFENDANT OBTAIN AN ADJOURNMENT UNTIL WEDNESDAY-MR. EVARTS AND EX-JUDGE PORTER TO SUM UP FOR THE DEFENDANT, MR. BEACH FOR THE PLAINTIFF-THE LAST WITNESSES-BRIEF TESTIMONY FROM HENRY C. BOWEN, THE RRV. EDWARD EGGLESTON, H. B. CLAFLIN, CHARLES STORRS, GEORGE W. UHLER, JOHN C. SOUTHWICK, AND OTHERS.

In the Tilton-Beecher trial yesterday the surrebuttal for the defendant was closed, thus completing the taking of testimony. At the request of the defendant's counsel the Court adjourned until next Wednesday morning, when the summing up for the defendant will begin. Calvin J. Mills, Henry C. Bowen, the Rev. Edward Eggleston, H. B. Claffin, Charles Storrs, George W. Uhler, Wallace E. Caldwell, and John C. Southwick testified in surrebuttal for the defendant. Their evidence was fragmentary, and principally in contradiction of some of the plaintiff's witnesses. John Eliot Bowen and Marshall J. Morrell gave minor evidence for the plaintiff. The audience was larger than usual. Mr. Evarts announced that only four or five days would be taken for the arguments of himself and Mr. Porter. Mr. Beach will consume only two or three days more, and the case will probably close about June 1.

THE FINAL SCENES BEFORE THE SUMMING

The closing days of taking testimony in the great trial derived their chief interest from the distinctness with which the points of evidence touched upon were brought out. The rules of law governing the rebuttal and sur-rebuttal were strictly applied, and they cleared away the great mass of collateral matter which had accumulated during the trial, so that the points of difference and contradictions in the testimony of the epposing witnesses stood out more sharply than ever before. Several times within the last few days the witnesses whose evidence was conflicting were brought face to face, and each was asked to swear positively to the truth or falsehood of the other's statements. This produced more than one dramatic episode, especially when some of the main witnesses reappeared, and, as it were, summed up in a few deeisive words the salient features of their whole evi-

The audiences have been large for the last week, but yesterday the court-room was even more crowded than usual. The aisles were filled with *amp-chairs, and every inch of room around the tables of the counsel and reporters was occupied. One lady, who was unable to get into the room, was assisted to stand upon a chair placed just without the doorway leading from Chambers, from which place of vantage she was able to peer over the heads of the audience into the court-room. Mr. Beccher, who had been absent for a day or two at Peckskill, came in with his wife several minutes before 11 o'clock. He appeard to be in excellent spirits, and smiled and chatted with great animation.

Although the end of the trial was known to be very near, yet there was considerable surprise yesterday when it was suddenly announced, about five minutes before 3 o'clock, that the last witness had given his testimony, and the case on both sides was ready to be summed up and given to the jury. Judge Neilson exhibited unmixed satisfaction when Mr. Evarts announced that he rested the defendant's case. The counsel on both sides also appeared relieved, and the jurymen looked at one another and smiled as if well pleased that their long confinement was so nearly over. The reporters appeared to be ready to throw up their hats and cheer, and there were many congratulations and hand-shakings among them. Mr. Evarts stated that on account of the large accumulation of evidence, and because their side would have to begin the summing up, the counsel for the defendant desired a short interval for preparation. Judge Porter and himself were to givide the work of summing up the defendant's case, and they would like an adjournment until next Wednesday morning.

Mr. Beach stated that personally he should prefe to go on with the case on Monday, but although it would be a personal sacrifice to him, he was willing to oblige Judge Porter and Mr. Evarts by acceding to the request for an adjournment. Judge Neilson accordingly granted Mr. Evarts's request, and the court adjourned until Wednesday morning at 11

Before the opening of the afternoon session Mr. Varts and Mr. Beach sat for several minutes talking and joking with the jurymen. The subject of their conversation was the proposed adjournment. The jurymen were strongly desirous of going on with the case without an adjournment, but they yielded finally to the wish of the counsel.

After the adjournment all the counsel on both sides assembled in Judge Neilson's room, where they had a private conference concerning the future man-agement of the case. Mr. Beecher stood for some time after the court adjourned surrounded by his Iriends, who shook his hand and congratulated him that the trial was so near its completion. Mr. Beecher laughed and chatted busily, and Mrs. Beecher stood by smiling pleasantly, but speaking wery little.

Mr. Tilton remained standing alone for several minutes. He did not glance in the direction of the group of persons surrounding Mr. Beecher. He has en very busy with the papers in the case during the whole trial, and his face were an expression of relief that his work was done. He left the courthouse in company with his counsel, after they had buished their conference with Judge Neilson.

On Wednesday morning Judge Porter will begin Lo sum up for the defendant. He will occupy about two days with his argument, which will be devoted almost entirely to an analysis of the testimony. Mr. Evarts will follow him with another two days' argument, devoted to the general legal features of the case. The two lawyers will endeavor not to repeat e another's arguments.

Mr. Beach will conduct the whole of the final argument for the plaintiff. He will begin as soon as Mr. Evarts has finished, and will occupy about two days. It is understood that Judge Neilson's charge will not be very long, and he expects that the case will be finished in the first week in June.

THE CLOSING TESTIMONY.

The first witness put on the stand by the defendant resterday was Calvin J. Mills, who is engaged in an editorial capacity on The New-York Herald. It was sought to prove by him that the Woodhell scan-dal publication had been circulated in printed slips prior to ite appearance in Woodhall & Clasier's Weekle. After a good deal of argument by the counsel or both sides the testimeny of this witness was ruled out by Judge Kellson, and Mr. Everts withdraw the question which had already been put to him.

Henry C. Bowen was recalled by the defendant examination. His appearance created another etir in the andience. He came forward with a quick, nervous step, gave his testimony briefly, and after being about five minutes on the stand stepped down again and disappeared among the spectators. He substantially reiterated his former statements concerning the time of the alleged interview at Mr. Precland's house, and about the Woodstock letter, and his alleged statements to Mr.

The Rev. Edward Englesten immediately followed Mr. Bowen in the switness distr. Mr. Sheaman neked him if it's compution had not thanged since his last appearance before the Court. "Well, Sta," Replied Mr. Egghesten, "when I was here before I mm principally clergyman, Sir. The lecturer and say "or something to that effect, and I would check my saif for a moment to make some reply—"Yea," or "Sub-

THE TILTON-BEECHER TRIAL. Mr. Eggleston's examination was short. He repeated in substance the statements alleged to have been made to him by Mr. Bowen, and which Mr. Bowen had denied.

Horace B. Claffin and Charles Storrs were succes sively called to the stand by the defendant's counsel. Both of them declared that they had never before seen the document asserted to be the submission to arbitration agreed upon between Mr. Bowen and Mr. Tilton, and written by Mr. Moulton. They substantially reasserted the points of their evidence which had been called in question by Mr. Bowen.

George W. Uhler, the owner of the house in Clinton-st. occupied by Mr. Moulton in 1871, and Wallace E. Caldwell, were both called by the defendant to contradict the statement that there was no portrait of Mr. Beecher in Mr. Moulton's house in Clinton-st. Both swore that they had seen a large portrait of Mr. Beecher in the parlor of that house when it was occupied by Mr. Moulton.

John C. Southwick was called for the defendant to contradict some of the statements of Mr. Woodruff, but much of the evidence which it was desired to draw from him was ruled out. On the cross-examination of this witness Mr. Beach caused much merriment by abruptly asking him if he had any bets on the result of this trial. The witness admitted that he had had a bet of \$100 of that kind, but had withdrawn it in anticipation of being called as a witness. Mr. Southwick was the last witness for the defendant.

The plaintiff's counsel called John Eliot Bowen, a son of Henry C. Bowen, who swore that in 1870-he thought it was in December of that year-he had delivered a note from his father to Mr. Freeland, and received the reply, "I'll attend to it," or something equivalent to that.

Marshall J. Morrell, an architect, was also called for the plaintiff. He brought with him a drawing which he had made of the rear of Mr. Ovington's house, and the situation of the adjoining buildings. His testimony was intended to support the assertion of Mr. Martin that he and Mrs. Tilton had sat on the back piazza of Mr. Ovington's house to find a cool place on the afternoon when Gen. Tracy and Miss Bessie Turner had their interview at that house.

THE PROCEEDINGS-VERBATIM.

THE TRIBUNE'S EDITORIAL COMMENTS CRITICISED.

The Court met at 11 a. m., pursuant to adournment.

Judge Neilson-Are you ready to proceed, gentlemen ? Mr. Fullerton-If your Honor please, I desire to call attention to a brief editorial in one of the morning papers, of this morning.

Mr. Beach-Name the paper Mr. Fullerton-THE NEW-YORK TRIBUNE. Mr. Beach-[Sotto roce.] The official paper of this

Mr. Fullerton-Well, it is an editorial. It is headed as

As usual, the Beecher trial was enlivened yesterday by And then goes onto quote a question put to Mrs. Oving-ten while on the stand, and her answer; also an observaion made by Mrs. Ovington to me, and my reply. Mrs. ovington's answer to the question was as follows: is false"-and then turning to me, when she was no under examination by me, and in an excited manner, and

with a good deal of gesticulation-Mr. Beach-And emphasis. Mr. Fullerton-And emphasis, said: "It is false, Mr.

Fullerton," when I replied: Well, you can repeat it again, Mrs. Ovington, if you think it becomes a lady to do it. You need not approach and address me in that kind of style. If you torget you are a lady, others may forget it also.

Now, the writer of that article could not have under-

stood that I was not examining Mrs. Ovington at the time, but my friend Mr. Shearman was, and that she had no right to turn and address me by name, in a loud tone, too, and in such an emphatic manner. Why she did it I certainly did not at the time understand, but I did think. although she was a lady, that it was such a piece of impertinence, not to say anthing harsher, that it required some observation from me by way of rebuke. If the lady had been under examination by me, it, of course, would have been a very different matter, but she was not, and she had no occasion and no right to address me in a public court-room in that kind of way, calling me by name, and repeating the answer in the manner, which was very of-

ensive, which she did. Judge Neilson-I appreciate what the counsel says, and regret exceedingly that such an article should appear in that paper. I remember the occasion and recol-lect it as counsel now states it, and regret that Mrs Ovington should at the moment have forgotten herself so far as to make the remark which she did, especially to counsel who was not then examining her or speaking to

Mr. Fullerton-Mrs. Ovington undoubtedly discovered her mistake, because she apologized in a moment, and the apology was accepted at the time.

apology was accepted at the time.

Judge Neilson-The error of the article goes quite back
beyond that. The reference in the first line-will you be

kind enough to repeat it. Mr. Fullerton-The language is this, Sir: "As usual".

Mr. Fullerton [continuing]-" The Beecher trial was en livened yesterday by some choice exhibitions of legal

olackguardism." Judge Neilson-Well, now, that will do. I consider that the offensive part of the article. The reference to Mrs. Ovington, no doubt, proceeds in a measure from misapprehension-the supposition perhaps that you was dealing with the witness. But the expression that this trial. on the occasion yesterday, or any other day, has been characterized by "the usual," or any blackguardism, is an unpardonable offense. I, in one way and another, during my experience here and at the bar, have seen very many trials hotly contested, civil and criminal, and I have never seen a case where counsel have treated each

other and treated witnesses with more courtesy and

efreumspection than in this case. I think that remark by the editor of that paper was a most unpardonable offense, and calls for an apology from him. Mr. Evarts-I think, if your Honor please, my friend Mr. Fullerton will not disagree in what I shall say in respect to Mrs. Ovington. Altogether, I think, too much of the occurrence was made of the matter by the press, of We agree that that is not a fair representation of it, but I am inclined to think that there is too much of an inference of impropriety on the part of Mrs. Ovington, from the manner in which my friend Mr. Fullerton took it up. Now, we cannot reproduce in print all that occurs in court. Mr. Shearman was standing behind Mr. Fullerton, as usual, in his position and our position, and examining Mrs. Ovington. Mr. Fullerton, as was his right, was watching the witness closely and looking in her face, as preparing for a cross-examination. Mrs. Ovington, erving in his face an expression which she regarded as distrestful, in some degree, of her statement, did, without any justification, under the rules of giving evidence, make an observation to him, and I think made it very good-naturedly, as far as I recollect; but Mr. Fullerton did not treat it in that sense exactly, but treated it as an impropriety, and spoke as he is reported spoken. Then Mrs. Ovington apologized; Mr. then accepted her apology; and there I supto have spoken. Then pose the thing should have ended, the people who saw and remember the whole, including the jury, and your Honor, and the rest of us, understanding the matter much more distinctly than by any production in print by

and the very amicable relations that had been established setween Mrs. Ovington and Mr. Fullerton on the previous examination and cross-examina Judge Keilson-That act on Mrs. Ovington's part was recidental, and perhaps natural to a person not much accurate outload to proceedings in court, and I think she had been treated very properly, and with courtesy, in her previous examination, and but for the mention of the treumstance in the press I think it would have passed off sathdactorfly and pleasantly. I do not think even a the moment that Mr. Fullerton had a wish to censure

mere words that passed either one way or the other. I

am sure Mr. Fullerton cannot think that Mrs. Ovington

intended any affront to him in what she said, and we

must admit that there was no occasion for her speaking

again in repetition of her answer as matter of evidence

but she was drawn into it by Mr. Fullerton's position and

scrutiny of her countenance, and the expression of his,

CORRECTION OF THE PRINTED RECORD. Mr. Evarts-If your Honor please, there is a never in the evidence incidentally brought to notice by an examination of Mr. Moulton as to a particular passage in Mr. Buccher's testimony, and we have asked the stenographer to make the proper examination to see whether the clouse as printed was correctly printed or not, and he has made it.

Mr. Branto-Yes, Sir, on to the word "readings" It to on page 45 of the Brief volume, in the second column,

stantially that," or something like that, and then would repeat—repeated one thought and another thought, attempting to go over in my mind, somewhat, the points of the conversation that had immediately preceded this, and which concerned my feelings toward Mr. Tilton and his family; that was the last part of the interview before the making [instead of reading] of the memorandum.

Index Nelson Mr. Stenersphy, does the character. Judge Nellson-Mr. Stenographer, does the character used for the word "reading" also represent the word

The Stenographer-No, Sir; it does not look a bit like it Judge Netlson-What !

The Stenographer—It does look at all like it.
Judge Neilson—They are totally unlike ! The Stenographer-Yes, Sir.
Mr. Morris-Then it turns out that Mr. Shear

asoning was not correct. Mr. Shearman-I will appeal to Mr. Munson, who is quite experienced, as to whether I was right, if you insist

apon it. Mr. Beach-Don't be all talking at once.

Mr. Morris-Well, I have a right to talk, because I had the floor first. Mr. Beach-Well, I was trying to quiet Mr. Shearman. Mr. Morris-You have got a hard task.

Mr. Beach—No; not very hard.

Judge Neilson—Very well, gentlemen; I am satisfied. Mr. Shearman-Well, then, your Honor, I wish to make this explanation. Mr. Munson spoke to me across the table, saying that since the time when I practiced phonegraphy (for I used to practice it-when Ma Tilton did) th system had changed-I was told the system had changed, that there are now four or five systems. Mr. Muni will bear me out that, under the old Pitman system, 'read" and "write" were written very much alike just a little difference in the turn or crook. That was

under Pitman's system. Mr. Munson-That was very early: in the earlier edi-

tions it was so. Mr. Morris-That is outlawed.

Mr. Evarts-We are not proceeding under that now; we have asked the stenographer to get his own notes and

give us the correction.

Judge Neilson-Yes. Have we any more witnesses? Horace B. Claffin was recailed on behalf of the defend-

Judge Neilson-Good morning, Mr. Claffin. Mr. Claffin-Good morning, Fir.

Mr. Shearman-The paper is not in court upon which we proposed to examine Mr. Claffin; Judge Morris has Mr. Beach-Can't we do something else while he is

Mr. Shearman-Mr. Claffin, we will exchange you for another witness.

Judge Neilson-Take a seat below for a moment, Mr. TESTIMONY OF CALVIN J. MILLS.

Calvin J. Mills was called and sworn on be-By Mr. Hill-Where do you reside, Mr. Mills! A. In

Brooklyn. Q. How long have you lived in Brooklyn ! A. I have lived in New-York and Brooklyn about 17 years occasionally I lived in New-York, and sometimes in Brooklyn. Q. Are you acquainted with both of the parties to this action ! A. I am not; I am acquainted with Mr. Beecher, out not with Mr. Tilton.

Q. What is your present ousiness! A. An editor, Sir. Q. How long have you been engaged in the business of an editor! A. I commenced, I think, the year after the Mexican war; which I think was 1849, Sir. Q. And have been engaged in the business ever since

Q. Nearly all the while! A. The most part of the time.

Q. At what place? A. At Buffalo I commenced; I have been in New York about six years now. Q. What papers have you been engaged upon ! A. In Buffalo on The Buffalo Courier and The Buffalo Evening

Q. And in New-York! A. In New-York on The Stand-

ard, and where I am at present—on The Herald.

Q. Were you so engaged in New York in 1872, any part of the year! A. Yes, Sir; all the year Q. On what papers first 1 A. In the first half of the year on The Standard, and from July on The Herald.

Q. Do you recollect at any time during the year 1872-I will pass that question at present. Did you, during the year 1872, see what was called the Woodhull scandalthe publication in The Woodhull & Claffin Weekly called Woodhull scandal ! A. I did. Sir. Q. When did you see it, Mr. Mills! I saw !! published

in the Woodhull paper about election time, 1872; I think about the 1st of November. Q. Now, Sir, did you examine the article at that time!

A. Yes, Sir. Q. Read it through? A. I cannot say that I read it ugh certainly, but I think I did.

Q. Be kind enough to look at this publication and see if it is the same which you read—that is, the subject matter! [Handing witness Woodhull & Claften's Weekly.]

A. Yes, Sir, it is, Q. Now, Mr. Mills, had you at any time prior to your reading and examination of this publication seen the substance of it in type, either in proof-slips or other form.

Mr. Fullerton-That is objected to. One moment. Judge Neilson-We had that subject up a month ago,

Mr. Hill.

Mr. Everts-But your Honor will notice that other evi dence has been given on their part.

Judge Neilson-Then you may turn to the specific statements that have been given by anybody, which you have a right to meet. I want to get you to apply the principle that you insisted upon yesterday.

Mr. Evarte Exactly; we agree, if your Honor please, when it goes to the contradiction of the witness, any statements, but this is our point. In the rebutting evidence of the plaintiff a witness was produced who had the conduct of the press or publication for Mrs. Woodhull

Judge Neilson-Mr. Andrews!

Mr. Evarts-No. Sir

Mr. Beach-Mr. Mitchell. Mr. Evarts-Mr. Andrews was introduced and spoke, or Mr Mitchell, if that was his name—the printer.

Mr. Morris-Mr. Wood. Mr. Evarts-Mr. Wood-and showed the suspension of that paper during a certain period, and that there were no proofs of the actual publication—that is, no proofs of this in print, as it came out actually in that paper-no preliminary proofs of that that were made or could have been made at that press or in that publication earlier

than a certain date Judge Neilson-Yes, a day or two before the paper was

Mr. Evarts-Yes, Sir; it was to preclude the idea that our witnesses were right in saying that they had seen slips. Our witnesses had said that they had seen slips in the hands of Mrs. Woodhull and in the presence of Mr. Tilton, &c. Now, these witnesses were, as I understand it, before, excluded by your Honor-as I was not in court at that time—on the ground of its being a collateral in-quiry, and that we were not to go into it. My own view matter-to present upon the aspect of the case as it then stood-was that it was good principal evidence, and it was so presented by my associates to your Honor.

Judge Nellson-No. It was excluded because the at tempt was to show that slips had passed from hand to hand, were known, were the same seen by the colore

witness. Mr. Beach-Mr. Woodley Judge Neilson-Mr. Woodley, at the office

Mr. Evarts-Yes, Sir. Judge Neilson-Whereas it did not appear to the Court that there was any connection between any slips that existed and the papers that Woodiey had ever seen, and that Woodley did not identify the slips because he could

not read. That was the aspect then. Mr. Evarts-I don't think, if your Honor please, that we should doubt that when evidence is produced here in rebuttal by them to show that their press was sus ded, and thus furnishing evidence that there were no slips flying about during this period, but that it would be certainly evidence contravening that for us to show that this gentleman and others--

Judge Neilson-I think you can contradict any statement made by Mr. Wood, or Mr. Andrews, if you will turn to the precise statement and call the witness's atten-

Mr. Evarts-That is not our proposition, if your Heno please. Our proposition is this—that they have proved not statements but a matter of fact, that there was no and have brought that evidence as being material or important only in the aspect of discrediting or throwin bt or contradiction upon the statements of our witnesses that they had seen in the form of printed slips the subject-matter of this condal. Now, they having introduced that in the evidence, we propose to show by thi several other witnesses independent of him-independent of the circumstances of his seeing the slips—that slips of this Woodhull scandal wars in strenktion during the Summer and Fall of the year 1972, in and through the newspaper effect, or some of them, which will be named, of the City of New-York, and that this sentleman and the others saw them, and know them, from their own percent, to have been of that character. Then, of course, if that was so we have displaced all as gument that Mr. Woodley or others that onw alips were mistaken in their statement or false in their statement.

Woodhull publisher was still during that period. That is the object of our present evidence, and that it would have that effect if it is admitted, and that it would have that efect, as counterpoising and countervailing the rebutting evidence of this plaintiff, cannot be doubted. And we are not within the rule that you must meet rebutting evidence by the contradiction of the particular witness in he fact that he states. If you introduce in answer to that fact, newly introduced in that rebuttal, an opposite fact that countervails it, not in the truth of the fact intro duced into the rebuttal, but in its import or value, as bearing upon the evidence in the case, it is strictly within as it seems to us, of sur-rebuttal. That is our Judge Neilson-I think we will take the answer, Sir; it

s a very remote matter. Mr. Beach-Weil, your Honor will please consider this question before you rule in favor of this proposition. This is strictly, Sir, cumulative evidence to that which was given upon the defense. They presented the issue in regard to the circulation of these slips anterior to the publication in The Woodhull & Classian Weekly of Novemper, 1872. They gave evidence of this precise character -identically the same, Sir-that slips of that article were circulated and were seen by others during the preceding nonths to its publication. We then content ourselves with the production of evidence upon that affirmative ssue presented by the defense, and we prove by Mr. An drews that he was the author of this article, and did not commence its preparation until a few days before its publication. And we show, in addition, that between Spring and Fall of 1872, not that the press of Woodhul t Claffin was suspended, but that the publication of the paper was suspended. And now they propose, Sir, in ur-rebuttal, to come in with this cumulative thus opening the issue to which we gave nothing but answering proof upon our rebuttal. Now, if your Hot is disposed to open the issues in this case, and permit additional evidence to be given, because if this evidence s received, we must have an opportunity to meet it, it is a departure from the ordinary rules of evidence. It is clearly cumulative evidence upon an issue which they presented, upon which they have the affirmative, identical character; which they gave upon the opening of their defense, and which we answered in our Now, Sir, there is no dispute of this proposition. A reference to the minutes-the record-will show that this statement is strictly accurate, and your Honor has, heretofore, with a good deal of strictness, in our replies to the evidence upon the defense, confined us to the rules of examination, not having permitted us in a single instance submit to your Honor, with great earnestness, that this will be the first departure from the application of those rules which your Honor has made since the affirmative enses on the part of the plaintiff and the defendant have been produced. Now, your Honor has made the remark

that this is extremely remote. Judge Neilson-Weil, I would like to ask you what

arthly bearing it has upon this case ! Mr. Beach-I have submitted to your Honor heretofore Sir, that it has no bearing upon the issue; that it is en-tirely collateral. They presented that issue and upon our objection your Honor received that evidence, and after we have, upon each side, exhausted our evidence upon that issue and rested, you now permit them to come in, if you admit this evidence, with additional proof in support of their opening upon the defense, and upon a question that has but this very distant and collateral bearing upon the merits of the issue. I submit to your Honor that it would be an irregularity in the course of this trial which I should very much regret to have established as a precedent in this case, because, I assure you Honor, that it is opening an issue which will necessarily ead to a further protracted investigation, and we must ask your Honor, if you permit this departure from the rules of evidence, to give us an opportunity to prepare

Judge Neilson-I think I will take the general answer. Repeat this question, Mr. Stenographer. Can you find it! The Tribune stenographer [reading]: " Now, Mr. Mills, had you at any time prior to your reading and examination of this publication, seen the substance of it in type. other in proof-slips or other form, before that time !

The Witness-I had. Mr. Fullerton-Well, one moment-the substance of a

ir i Judge Nellson-Well, let him say yes or no. Mr. Pullerton-Well, Sir, that is not in contradiction of mything we have proven.

Judge Neilson-Well, leave out the word " substance Mr. Hill Well, leave out the word " substance."

LIMITATION OF THE TESTIMONY. Mr. Morris-Now, if your Honor please, veserday when I was examining Mr. Moulton, and when undertook to ask questions calling for a contradiction of facts, general facts, they objected, and your Honor compelled me, in every instance, to read the precise language and confine the evidence to a strict denial of that. Now, we say to your Honor if this general question is asked, it opens the whole door; we have witnesses, and we must be permitted to bring the witnesses here and try that issue : and your Honor cannot tell, nor any one els the examination of the witness will end. In no single instance in our rebuttal were we permitted to ask a question to disprove a general fact in the case, but in every instance we were met by an objection, and in ry instance your Honor compelled us to turn to the vidence and read the language and put the precise ques be applied to them that was applied to us. If not, then we want to put our witnesses upon the stand again and pursue the examination. We have a number of witnesses that we desire to call if this is done, and we shall ask the

court to give us the opportunity. We can exhaust days [Mr. Evarts here rose to speak.] Judge Neilson I think we have enough upon this subet, and I will let the witness answer this. I do not want any more argument upon the subject; I am sorry you put

Mr. Evarts-I de not propose to argue. Judge Neilson I have said he can answer Yes or

iless you withdraw the question. Mr. Evarts—I am going to state what will be very agreeable to your Honor if I have an opportunity; and that is, that under this distinct threat of prolonged exmination that will be given to the subject, I withdraw

Judge Neilson-I recognize that as a very judicious and fair performance of professional duty on the part of

Mr. Evarts-I agree to that; all these things are relaive, and the magnitude of a question is, of course, some imes such as compels counsel to insist upon it; at other imes it does not, and I agree they would have a right to all witnesses on the other side of this question, of this distinct question, whether there were slips; and I conede that the interest of the Republic is that we should come to an end of this case. [Laughter.]

Judge Neilson-Yes; that is all, Mr. Witness, MR. BOWEN RECALLED FOR CROSS-EXAMI-

NATION.

Mr. Shearman-If your Honor please, we desire to recall Mr. Bowen for a few moments for further cross-examination. [Mr. Bowen took the stand.] By Mr. Shearman-Mr. Bowen, you were asked on you previous cross-examination whether you recollected an

interview with Dr. Edward Eggleston, at your house on the afternoon of the 26th of Dec., 1870, after your return from Mr. Beecher's; I ask you now, whether you still have no recollection of that interview! A. I have no recollection; it is possible, but I have no recollection Q. Do you recollect in such an interview, on that ocea-

sion, saying to Dr. Eggleston that Mr. Eercher had told you that an adopted daughter of Mrs. Tilton had told Mr. night, or anything to that effect ! A. I have no recollec-

tion of it. Sir : none whatever. Q. Nor anything in substance like it! A. Notline whatever. Mr. Shearman-That is all.

Mr. Fullerton - Mr. Bowen, what time did you leave the bouse of Mr. --Mr. Shearman-Oh, Mr. Fullerton ; one other matter.

Mr. Fullerton-Certainly. By Mr. Shearman-Do you recollect, Mr. Bowen, after leaving the scene of the arbitration between yourself and Mr. Titon, on April 3, 1872, going away with Mr. Claffin

and Mr. Storm! A. I recollect going with Mr. Storm, but have been there, or pear there; we all went, as I recol-Q. Do you recollect saying to either or both of those entiemen, or in their presence, that you desired to have the Woodstock letter returned to you, and hoped one of them would attend to it? A. I said nothing whatever on

Q. De you recollect whether Mr. Claslin replied to you that that was " a matter that Mr. Storrs had better attend effect nothing on the subject; I am pesitive. If you wish my statement, that nothing of the kind

Judge Nelson-I so understood you before, Mr. Bowen The Witness-Yes, Sir; I so stated before. I desire to state further, if I did not at that time, that nothing was said for two days (seconding to my recollection) after the

The Witness-On that subject of the Woodstock letter, and when it was spoken of it was a surprise to me. Mr. Shearman-Wait a moment. I move to strike that

out, if your Honor please.

Mr. Morris—It is a proper explanation. Mr. Beach—Let them strike it out. Judge Neilson-Well, I think it is an explanation. Let

it stand. Mr. Shearman-We except; please note our exception [To the Witness.] I believe you have said that Mr. Storrs brought you the letter—the Woodstock letter! A.

Q. Did he say to you at that time, when you proposed to keep the letter, that he did not feel at liberty to give it to you to keep until you had published a certain article

Mr. Beach-That is objected to, Sir, as being totally im-

material and incompetent as to what passed. By Mr. Shearman—And that he had made that promi Mr. Tilten ! A. Nothing whatever of the kind. Mr. Beach-Wait one moment; I object to the question Mr. Shearman-I am not going to fight about it; I will

Mr. Beach-Well, strike it out; strike it out. Judge Neilson-Do you wish to ask Mr. Bowen anything Mr. Fullerton-Yes, Sir.

withdraw the question rather than take any time.

RE-DIRECT EXAMINATION OF MR. BOWEN. Mr. Fullerton-Mr. Bowen, what time did you ave Mr. Freeland's house on the 27th, or 26th of Jan. 1870, after this interview with Mr. Beecher-26th of De-

Mr. Evarts-Well, how is this material to our present inquiry ! This has nothing to do with the questions that

we have asked. Mr. Fullerton-Oh, yes; it has a good deal to do with it. Mr. Evarts-We have recalled Mr. Bowen in cross-ex amination before we put Mr. Eggleston on the stand to ask him certain questions.

Judge Neilson-Well, Mr. Fullerton is now confined to he subjects indicated by you, I think. Mr. Evarte-He is now going back to the general frame

and progress of the interview between Mr. Beecher and Mr. Bowen.

Mr. Beach-Can we not contradict the last evidence of Mr. Freeland 1

Judge Neilson-Any witness of theirs examined since may be contradicted. Mr. Fullerton-Your Honor will perceive that the asked Mr. Bowen with reference to an interview with Dr. Eggleston after be left Mr. Freeland's. I think it is competent for us to know what time of night he left there, as bearing upon that matter.

Judge Neilson-Yes; if it was 12 o'clock it would be a ircumstance, unless Mr. Eggleston keeps good hours. Mr. Fullerton-That is what I want to find out, Sir; what hours he did keep. [To the witness.] What time did you leave Mr. Freeland's that night? A. What night

Q. On the 26th of December, 1870, after your interview with Mr. Beecher. A. I do not recollect the precise hour; but it was before evening.

Q. It was before evening! A. It was before 6 o'clock. Q. That you left ! A. That I left Mr. Freeland's house. Q. What time did you arrive at the house ! A. I should say, perhaps before half-past 6 at the latest, not later Q. What time did you arrive at Mr. Freeland's house?

A. According to my recollection it was 4 or 5 o'clock, I am not certain which, and the interview was prolonged ome time, perhaps an hour, perhaps more, possibly a little less Q. Now, how soon after the signing of the "Tripartite

Agreement" did you hear of the Woodstock letter! A. Not until two days after; I can give the particulars if I am permitted to by your Honor.

Mr. Fullerton—I wish you would give the particulars.

Mr. Evarts-I object to that-what were the particuars. The inquiry is as to the date. Mr. Fallerton-Yes; I want to know how Mr. Bowen ets that it was two days after.

Mr. Evarts-That is not necessary. Mr. Fullerton-Oh, yes; it is.

The Witness-I recollect very distinctly. Mr. Fullerton-The witness has a right to fortify him elf when he gives a date, by showing some competent

ircumstance which enables him to give it. Mr. Evarts-Well, it is just what we have discussed over and over again, that a witness cannot be corrobo rated except when their testimony is reduced through some form of contradiction. He says he recollects dismetly that it was two days afterwards. We have not made any controversy as to the date that it was delivered

Mr. Fullerton-I am asking when he first heard of the

Mr. Evarts-He said it was when it was delivered to Mr. Fullerton-Now, I ask him how he is enabled to fix he time when he first heard of the Woodstock letter. Mr. Beach-Why. Sir, the rule of rebuttal evidence do

not apply to this; they call this witness for additional examination, and they ask him in regard to the Woodstock letter and the transaction concerning it, and we cer have a right to draw out all his knowledge on that subject, if necessary, in answer to their cross-examination; I repeat, Sir, that the rule in regard to rebutting evidence

Mr. Evarte-I have not said anything about that rule,

Mr. Beach-Well, I have.

Mr. Fullerton-The gentleman tries to get the advanage of it without saying anything about it. Mr. Evarts-But this is not in answer to anything that

Mr. Beach-I say it is a proposition in answer to what ou established; that his Honor has repeatedly ruled on this question, whereas that question has not been before

Mr. Evarts-It was not that question of rebuttal I was alking of; it was the corroborating of witnesses. We were not permitted to do it by Mrs. Ovington yesterday, the very point that we tried to get in-why she knew this, that, and the other; it was not allowed; it is precisely the same matter that is now proposed by this gen

Judge Neilson-I think we have the answer sufficiently Mr. Fullerton-How, Sir !

Judge Neilson -! hi k we have the answer sufficiently

from this witness. Mr. Fullerton-Well, your Honor will recoilect that yes terday, when Deacon Freeland said that he knew a certain meeting took place the last week in January of a certain year, that he was permitted to say why, and did o; it was because they had prayer-meeting that week; and when it turned out that they prayed four times in a month in Plymouth Church, then he was enabled to go further and state why he knew it was in the last week of January, 1869.

Judge Neilson-To wit, the shaking of hands. Mr. Fullerton-The shaking of hands, yes, Sir.

Judge Neilson-Well, I remember that now, Sir; take Mr. Evarts-That was on their cross-examination, and

Mr. Beach-No, Sir, it was in answer to Mr. Shearman hat it was given. Mr. Evarts-That is what I say; on the re-dire Mr. Shearman-I asked the same question on the re-direct which they had asked on the cross; that is why l was allowed to ask that. Now, if we had asked Mr.

Bowen why he remembered, and he had given an imper-

fect answer, they would have the right to ask the sam

question again. But now Mr. Bowen is in the position with them which Mrs. Ovington was with us, and we were not allowed to ask just that question. Judge Neilson-I think Mrs. Ovington was allowed to state, the witness having been so long on the plazza to get out of the heat, that it was a hot piace, and the hottest place in the house; I think we will take this answer.

By Mr. Fullerton-Now, Mr. Bowen, how are you enabled to state that it was two days after the signing of the "Tripartite Agreement," [To Mr. Shearman who was beginning to speak.) One moment, if you please, Mr. Shearman ; I wish you would only speak get through, or when I get through. [To the witness.] How are you enabled to state that it was two days after the signing of the "Tripartite Agreement" when you first heard of the Woodstock letter! A. One of the arbitrators, Mr. Charles Storrs, came into my office and said, "I have some news for you, Mr. Bowen," using that expression. I said, "What is it!" Said be, "It is in reto the Woodstock letter." "Well," said I, what have you to say about the Woodstock letter?" "I am going to get it and setura it to you." "Well," said I, "I should like to have M." I am not positive, on a moment's reflection, whether he anid "I am going to get it" or "I have got it." When he told me that, he did not hand me the letter, but, after stating that fact, he either produced the letter at the time-but I fail to recollect that point-or he went out and got it; it was brought to me or delivered to me at that thue, or very near that time; when he brought the letter to me I took it and read it and put it in my sale.

Mr. Evarts-We object to this. By Mr. Fullerton-Was it an unconditional delivery of the Woodstock letter to you! A. An unconditional de Q. And you took possession of it ! A. I took possess

The next day or day following Mr. Storm came to

and asked me for that letter.

Mr. Fullerton-Now, I shall have to recall you, Mr. Bowen, after the examination of Mr. Eggleston, and if you will be kind enough to remain you will oblige me.

EDWARD EGGLESTON RECALLED.

By Mr. Shearman-Dr. Eggleston, I have an mpression that your occupation has changed since you were on the stand before. Will you state how you are now at present engaged ! [A. Well, Sir, when I was here before I said I was lecturer, author, and clergyman; now, I am rincipally elergyman, Sir; the lecturer and author have rather been sunk out of sight, I believe. Q. Are you pastor of any church! A. I am paster

Q. Of what church !

Mr. Beach-Well, we object to going into the history of this gentleman; I do n't know what it is in reply to.

Judge Nellson—The witness has not had time to write a

ook since he was here. [Laughter.] By Mr. Shearman-Of what church are you paster

Mr. Evarts-Then, we will have to argue it.

Judge Neilson-No, I rule it out without argument He is pastor of some church, and we have no curiosity

what it is, Mr. Evarts-We have a right to show what the witness's sition and employment is.

Judge Neilson-Well, that was asked when he was here

Mr. Evarts-Well, it has changed. Judge Neilson-That is not the subject of criticism

Mr. Evarts-I agree; but it would not take three min-ut as to find out what church.

Mr. Beach—That is no argument in favor of it. Mr. Shearman-Your Honor rules it out, and we except Judge Neilson-I can't see that it is material, new.

By Mr. Shearman-In December, 1870, did you bave

any business relations with Mr. Henry C. Bowent A. I did. Str.

Q. What were they ! Mr. Beach-I object to that.

Judge Neilson-Oh! we will take that, Sir. Mr. Beach-The business relations of this gentleman with Mr. Bowent Judge Neilson-Yes, by way of bringing him in con-

tact with him, I suppose.

By Mr. Shearman—What were these relations! A. I was his employe; I was employed by Mr. Bowen.
Q. In what capacity! A. In the early part of Dec ber, Sir, as literary editor of The Independent, and the latter part of December I was superintending editor.

Q. Did Mr. Bowen make an appointment with you for Monday, December 26, at his house? Mr. Fullerton-Now, that is a leading question Mr. Shearman-I understand I am obliged to ask in this form. I refer to a question and answer of Mr

Judge Neilson-Well, answer that The Witness-It is my recollection that he did, Sir, but I am not positive that my meeting on Monday was by

MR. BOWEN CONTRADICTED.

Q. Do you recollect whether you were at Mr. Bowen's house on the 26th of December! A. I was, Q. How often were you there! A. My recollection is

Q. At what time first did you see Mr. Bowen! A. I was there—I wish to correct my previous answer, Mr. Shearman—I ought to say I was there three times, in cluding once that I found Mr. Bowen engaged. Q. Three times, including once that you found Mr. Bowen engaged ! A. Yes, Sir; that is my recollection.

that I was there twice. Q. On that day! A. Yes, Sir.

picture is upon my mind.

ber! A. Well, Str, I could not ax the precise hour; it was in the afternoon. Q. Was Mr. Bowen then putting on his boots to go out? A. Yes, Sir, he was putting on his boots; my recollec-tion is that it was to go out; I remember the act; the

Q. Did Mr. Bowen then say to you, " If Mr. Tilton is an oad as we think he is, he talks exceedingly well !" Mr. Beach-That is objected to. Sir.

Mr. Shearman-On what ground. Judge Neilson-That inquiry was put to Mr. Bowen. Mr. Beach-Well, Sir, it is entirely collateral. Suppose was: what has the declaration of Mr. Bowen in regard to Mr. Tilton to do here !

Judge Neilson-Nothing, except as connected with the proposed visit, if it was so. Mr. Beach-Well, Sir. there is no connection at all be tween the two. Mr. Bowen may have expressed favor able or unfavorable opinions of Mr. Tilton, and are they

to be gotten in upon this idea of contradicting him.

Mr. Beach-After they ask him whether he made those declarations and he says he did not, can they get them in upon the idea of contradicting him upon that immateria Judge Neilson-The only materiality in connection with

this question is the time when Mr. Bowen went to Mr Freeland's and when he returned. Mr. Beach-Well, Sir, this declaration has nothing to de-

Judge Neilson-I cannot take the declaration.

I was simply reading in sentences part of a conversation it is clearly material Judge Neilson-Well, any opinion expressed then by Mr. Bowen cannot be received even if this witness t members it, and although Mr. Bowen did not remember it. Mr. Shearman-Well, it is a part of a conversation that is clearly material. The whole conversation is this: Mr. Bowen is asked whether Mr. Eggleston found him putting

on his boots; whether Mr. Bowen said, "If Tilton is as bad as we think he is, he talks exceedingly well;" whether he then asked Mr. Eggleston to go down and see a certain lady, whom he named, and whether he then said to M Eggleston, tapping his pocket, that he had a letter from Judge Neilson-Well, that is the point where you car

take up the examination.

By Mr. Shearman—Well, Mr. Egglesten, did Mr. Bowen say to you in substance that he had a letter from Tilton to Beecher, tapping his pocket at the time! A. To the best of my recollection he did, Sir; I don't recollect that part of the conversation so vividiy as the other, but I

remember-a remark something like that is in my nemory.

Q. Well, Sir, did you return again that evening to Mr wen's house! A. I did, Sir; that is my recollection. O About what time was that f A. I don't remember

ir, at what time I came. I waited for Mr. Bowen-I don't know whether I am allowed to go on-I waited for Mr. Bowen until, I think, past his dinner hour, 6 o'clock, when he came in -about the time that he said. Q. Was it after dark when he came in ! A. It was after Q. DM Mr. Bowen then say to you, "I have just been to Beecher's; he is a good friend of mine and of yours; he w

delighted that Tilton is removed; he says that he is the

worst man in the world, and that Mrs. Tilton is a saint,

oing to heaven before her time." Mr. Bedch-I object to that question. Judge Neilson-We will take that. A. The latter part of that I remember very distinctly, that he said precisely those words; the former part is substance; whether he said he had "been to Beecher's r "to see Beecher," I would not like to swear positively. My impression is that it is as you have stated, but I would not say with positiveness that he said he had been "to

Q. Which is the latter part, that you say is accurate! A. That he said that Mr. Beecher said that Mr. Tilton was the "worst man in the world;" that is my recollection; then, I remember this phrase: " And that Mrs. Tilton is a saint, going to heaven before her time;" that I remember to be precisely the words; I think I cannot be

mistaken about that. Q. What is your recollection as to the phrase, "Mr Beecher is a good friend of mine and of yours!" A. I am very positive in reference to that.
Q. What is your recollection about these words: "He

substance, Sir. Q. Now, did Mr. Bowen at the same time say to you hat Mr. Beecher had told him horrible things about Til-

ton! A. Yes, Sir; in substance that He said-"things

that were horrible" was the phrase, or semething like Q. Did be st the same interview say to you th Beecher had told him that an adopted daughter of Mrs. Tilton had told Mrs. Beecher that Mr. Tilton had taken A. To the best of my recollection it was at that interview, standing in the door, and in that connection, that he said to me just about what you have read, first an adopted daughter of Mrs. Tilton had told, Mrs. Beecher (this was given to me as something that Mr. Beecher had just told him; that is my recollection) that Mr. Titten had taken

Mr. Shearman-That is all. CROSS-EXAMINATION OF EDWARD EGGLE BTON.

By Mr. Fullerton-You don't recellect, I undenstand you, whether Mr. Bowen said he had been to Mr. Beecher, or that he had been to see Mr. Beecher! A. My inclination is to-

of it and put it in my safe and locked it in the safe ; that

Q I don't mit for your melinediens; I am overe @

Q. And one of the times you did not see him; what hour did you first see Mr. Bowen on the 26th of Docum-